IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

P. I. L.NO.69 OF 2005

Rashtriya Shramik Aghadi. ...Petitioner.
Vs.
State of Maharashtra & Ors. ...Respondents.

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Mr. Prashant Chavan with Mr. V. M. Bhate for the Petitioner.
Mr. P.M. Patil, AGP for Respondent Nos.1, 3, 12 to 14.
Mr. V.C. Ghosalkar for Respondent No.2.
Ms. S.I. Shah for Respondent No.8.
Mr. Suresh Kumar for Respondent Nos.9 and 10.
Mrs. N.V. Masurkar for Respondent No.11.
Mr. H. Toor i/b. Crawford Bayley & Co. for Respondent No.5.

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CORAM : KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.

April 5, 2006.

P.C. :

The Petitioner which is a Trade Union, has approached this Court to safeguard the interest of its members who are contributories to the Labour Welfare Fund of the Maharashtra Labour welfare Board, by way of a Public Interest Litigation, with the prayer to issue appropriate directions, directing Respondent Nos.1 and 4 to 11 to make the payment of arrears towards contribution to the Labour Welfare Fund of the Board, with further directions to make such future payments in time as prescribed under the said Act. One more prayer is also made to issue

direction to Respondent No.1 to comply with the requirement of Section 6BB of the said Act towards increase in contribution after every three years.

In view of the provisions of Section 6BB(1) read with Section 17 of the Act, the amount of contribution payable under the Act comprises of the contribution payable by the employer, employees and the State Government to the Board which forms part of the Fund. As far as Respondent No.1 is concerned, it is an admitted position that they are in arrears of their contribution. We direct Respondent No. 1 to pay arrears within two months to the Board. So far as Respondent No.6, M/s. ONGC Ltd. is concerned, it is stated by the Learned Counsel that they had filed a petition being Writ Petition No.1007 of 2004 in which an order of injunction was granted in their favour on 14th May 2005 on condition to deposit Rs.10 lakhs. It is further stated that Respondent No.6 had deposited the said amount in complying with the said order. A grievance has been made that the Collector will not exercise his power to recover the arrears. We are assured that as and when the Collector is moved, he will exercise his power to effect the recovery.

With the aforesaid directions, the petition stands disposed of.

CHIEF JUSTICE

Dr.D. Y. Chandrachud, J.